

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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| JUAN A. MUNOZ, |) | CASE NO. 4:23-CV-00425 |
| |) | |
| Petitioner, |) | JUDGE CHARLES ESQUE FLEMING |
| |) | |
| vs. |) | MAGISTRATE JUDGE |
| |) | JAMES E. GRIMES |
| WARDEN GARZA, |) | |
| |) | OPINION AND ORDER ADOPTING |
| Respondent. |) | MAGISTRATE’S REPORT AND |
| |) | RECOMMENDATION |

On March 2, 2023, Petitioner Juan A. Munoz (“Petitioner”) filed a Petition for Writ of Habeas Corpus (“Petition”), pursuant to 28 U.S.C. § 2241. (ECF No. 1). On August 15, 2023, Magistrate Judge James E. Grimes filed a Report and Recommendation (R&R) that the Court dismiss the Petition for lack of jurisdiction due to Petitioner’s release from prison. (ECF No. 7).

Fed. R. Civ. P. 72(b)(2) provides that the parties may object to a Magistrate Judge’s R&R within 14 days after service, but Petitioner failed to timely file any such objections. Petitioner was released from prison on June 14, 2023, and failed to notify the Court of a new address. Therefore, the Court must assume that Petitioner is satisfied with the Magistrate Judge's recommendation. *See Dickinson v. Tambi*, No. 05-1876, 2009 WL 396049, at *1 (N.D. Ohio Feb. 18, 2009) (adopting report and recommendation when habeas petitioner was released and failed to update the court with his new mailing address). Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. *Thomas v. Arn*, 728 F.2d 813 (6th Cir.1984), *aff’d*,

474 U.S. 140, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985); *Howard v. Sec'y of Health and Hum. Servs.*, 932 F.2d 505 (6th Cir.1991); *United States v. Walters*, 638 F.2d 947 (6th Cir.1981).

Under the Federal Magistrates Act, a district court must conduct a *de novo* review of those portions of the R&R to which the parties have objected. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3). Absent objection, a district court may adopt a R&R without further review. *See Peretz v. United States*, 501 U.S. 923, 939 (1991); *Thomas*, 474 U.S. at 141-42 (1985).

Accordingly, the Court **ADOPTS** Magistrate Judge Grimes's R&R, incorporates it fully herein by reference, and **DENIES** and **DISMISSES** the Petition. The Court also **CERTIFIES**, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision cannot be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. Fed. R. App. P. 22(b); 28 U.S.C. § 2253(c).

IT IS SO ORDERED.

Date: September 13, 2023



CHARLES ESQUE FLEMING
UNITED STATES DISTRICT JUDGE